

# Dangers of Creating A Will Without Legal Assistance

People sometimes try to save money by not consulting with a qualified attorney when executing their will, instead using a pre-printed form or online program. A recent court case offers [yet another example](#) of the hazards of doing this. Deciding the long-running case, the Florida Supreme Court has ruled that money acquired by a woman after she used a form to execute a will should be distributed as if she had never made a will at all. A justice hearing the case called it “a cautionary tale of the potential dangers of . . . drafting a will without legal assistance.” [Aldrich v. Basile](#) (Fla., No. SC11-2147, March 27, 2014)

Ann Aldrich wrote her will on an “E-Z Legal Form.” She listed several possessions and bank accounts that she intended to go to her sister unless her sister died before her, in which case they were to go to her brother. Ms. Aldrich’s sister did indeed die before her, and Ms. Aldrich inherited additional money and property from the sister. However, Ms. Aldrich did not have a “residuary clause” in the original will and she never revised the will to account for this new property.

After Ms. Aldrich herself died, the court had to determine who would inherit the property Ms. Aldrich received after she wrote the will. Her brother argued that he was entitled to all her property, but Ms. Aldrich’s nieces (the daughters of a second brother who had died) maintained that the property should pass through intestacy – according to state law for those who have no will. The case wound its way through the courts. A trial court ruled for Mr. Aldrich, but an appeals court reversed that ruling, and Mr. Aldrich appealed.

The Florida Supreme Court has determined that although the will made it clear that the property listed was to go to Ms.

Aldrich's living brother, the will did not say anything about property acquired after the will was written. Because the will had no residuary clause or general bequests that could include the inherited property, the court held that the after-acquired property will have to pass under Florida's laws of intestacy.

A concurring judge noted that the case was "a cautionary tale of the potential dangers of utilizing pre-printed forms and drafting a will without legal assistance."

The irony is that using a boilerplate will form not only frustrated Ms. Aldrich's testamentary intent, but ultimately cost her estate far, far more than a simple consultation with an estate planning or elder law attorney would have.

To read the court's decision in the case, [click here](#).

For Consumer Reports' conclusions on do-it-yourself wills, [click here](#).

For an ElderLawAnswers White Paper on letting a computer plan your estate, [click here](#).

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